

IV. REMARKS

A. Amendments to the Specification

The disclosure was objected to because of the following informalities: On page 16, line 12, it appeared that the word "that" should be changed to —than— and on page 19, line 18, the term "movelemt" should be changed to —movement--.

These informalities have been corrected with the changes to the Specification presented above.

B. Amendments to the Claims

As discussed further below, independent claims 1, 9, 15 and 18 are amended to distinguish over the prior art cited in the Office Action; previously pending claims 4, 10 and 11 are cancelled, dependent claims 5 and 19 are amended for conformance therewith, and new claims 20-21 are presented for consideration in the application.

The amendment does not alter the specification or drawings, and does not present new matter into the application. All amendments and changes are supported by the original specification, claims and drawings.

Claim Rejection under 35 USC § 102

Claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Peko (US Pub. 2004/0124646).

Claims 1,2,4,5, 7-10, 12-14, 18, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al (US 5,174,965).

Claim Rejection under 35 USC § 103

Claims 1 and 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley, Jr. (US 6,039,370) in view of Jones et al.

Allowed and Allowable Subject Matter

Claims 16-17 were allowed in the Office Action. Claims 6 and 11 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Response to Claim Rejections

Claims 1, 4 and 5: Applicant thanks the Examiner for indication of allowability of claim 6. However, rather than incorporate the limitations of claim 6 (and the intervening claims) into claim 1, Applicant has chosen to amend claim 1 to specify the bendable nature with wire construction of the connection between the cup holder and the extension member. Such an arrangement is not shown or suggested in the prior art of record, and therefore should be allowable. Claim 4 was cancelled, and claim 5 amended, to correspond with the amendment to claim 1.

Claims 9-11: Applicant thanks the Examiner for indication of allowability of claim 11, and has incorporated the limitations of claim 11 (and the intervening claim 10) into claim 9 to put claim 9 in condition for allowance per the Office Action. Claims 10-11 were accordingly cancelled.

Claim 15: Claim 15 has been amended to specify the approximate size of the holder in a preferred embodiment of the present invention. This size is relevant for convenient use in collecting specimens from animals. In contrast, the device of Jones is intended for collecting specimens from humans, and is specifically designed with its compact features which render the device impractical for convenient use with animals. The arrangement of amended claim 15 is not shown or suggested in the prior art of record, and therefore should be allowable.

Claims 18-19: Claim 18 was amended to clarify the manually bendable wire structure of the holder, presenting an arrangement that is not shown or suggested in the prior art of record, and therefore should be allowable. Claim 19 was amended for conformance with the amendment to claim 18.

Claims 20-21: Dependent claims 20 and 21 were added for further definition of the scope of the invention to which the Applicant believes she is entitled.

Comments to Prior Art Cited in Office Action

Dooley discloses a waste collection device with a handle and holder in fixed, perpendicular relationship, the holder comprising movable arms to support a container or bag.

Peko discloses a waste collection device with a handle and holder in fixed straight relationship, with a fixed fork to hold a channeled container.

Jones shows a specimen cup and holder with certain components being movable via integrally formed hinge-notches. The Jones device is specially configured for human use.

Estay (5,492,220) shows a specimen collection device with a fixed, straight holder configured for human use.

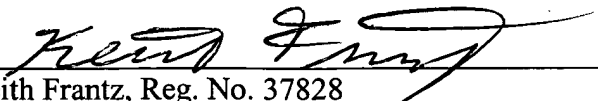
Bau (4,014,584) and Kerr (4,193,624) disclose other devices that are configured for waste collection and disposal.

This prior art does not disclose or suggest the present invention as now defined in the amended claims.

Therefore, Applicant believes that all claims currently pending in the application patentably distinguish over the prior art, are therefore in condition for allowance, and such action is respectfully requested

S/N 10/662,250
Art Unit 3652

Respectfully submitted,



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